

**FLATHEAD COUNTY BOARD OF ADJUSTMENT
MINUTES OF MEETING
AUGUST 7, 2007**

CALL TO ORDER The regular meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. Committee members present were Tony Sagami, Gina Klempel, and Mark Hash. BJ Grieve represented the Flathead County Planning & Zoning Office (FCPZ).

There were approximately 5 people in the audience.

APPROVAL OF MINUTES Klempel made a motion, seconded by Sagami, to approve the July 3, 2007 meeting minutes.

The motion was carried by quorum.

**RANDLE &
ROXANNE PHELPS
(FCU-07-11)** A request by Randle and Roxanne Phelps, for a Conditional Use Permit to construct three buildings on 1 acre, within the Bigfork, B-2 (General Business) Zoning District, requiring a Conditional use Permit for multi-uses on one tract of land. Two of the three commercial building uses are permitted within the B-2 zoning district. However, the Convention Center requires a Conditional Use Permit. The property is located at 7959 Highway 35 in Bigfork.

STAFF REPORT BJ Grieve, of the Flathead County Planning & Zoning Office, reviewed Staff Report FCU-07-11 for the Board.

BOARD QUESTIONS Sagami asked about the rational behind the Western Theme.

Grieve said the applicant showed Staff a picture of the building and basically met the condition already.

Sagami was concerned about setting precedent for future developments. He doesn't want to require a Western Theme for every conditional use permit in the future.

APPLICANT Erica Wirtala, of Sands Surveying, presented a map to the Board and explained where the accesses and buildings would be. She said the community building would not be used to gain income. Wirtala said DEQ does not typically review storm water drainage plans unless it is in a subdivision, but she would have to check with an engineer. She said an engineer would be working on the retainer wall.

The applicant will work with Bigfork Water and Sewer for the drainage plan. She asked to add the wording “utilizing existing road grades” to condition five. She said the applicant intends to pave the road.

Randle Phelps, applicant, showed a picture of what the buildings would be like. He said there is a project under construction next to him and showed the Board their site plan. The project ahead of him is paving the road already so he doesn’t have the ability to change any road grades. He doesn’t think there are any grade issues on the roads. He said the community center building will be for non-profit organizations only. He asked BLUAC’s second condition be removed because having stairs would require handicap access and he can’t provide that. Instead he would put a bike and pedestrian path that would be handicap accessible. He said the project was presented to BLUAC with not enough parking, but in fact there was enough parking just not enough information. He asked that the word “rock” be removed from condition four and be replaced with a “permanent wall”. He wanted Fellowship Hall capitalized in condition 9. He asked for the hours of operation to be from 6 am to 11 pm.

Sagami said condition 9 is incredibly restrictive.

Grieve said the application will not comply with zoning if that condition is taken out.

The Board discussed the hours of operation.

**PUBLIC
COMMENT**

None.

**STAFF
REBUTTAL**

Grieve said the applicant made a good point about condition two and it would be ok for the condition to be deleted. He said the rock retaining wall doesn’t have to be rock and the existing grade on the road is not a problem either. He said it is up to the Board to determine the hours of operation.

**APPLICANT
REBUTTAL**

None.

**BOARD
DISCUSSION**

Klempel said the lighting wasn’t addressed.

Grieve said the lighting issue was covered in the Staff Report.

Klempel wanted the standard lighting condition added.

Hollinger asked if there were waivers in case the permit needs to stay open longer for one night.

The Board discussed the hours of operation.

**MOTION TO
AMEND
CONDITIONS**

Sagami made a motion seconded by Klempel to amend the condition as proposed in FCU 07-11.

**ROLL CALL TO
AMEND
CONDITIONS**

On a roll call vote the motion passed unanimously.

**MOTION TO
GRANT FCU 07-11**

Sagami made a motion seconded by Klempel to adopt Staff Report FCU 07-11 as modified and issue the condition use permit.

ROLL CALL

On a roll call vote the motion passed unanimously.

**OLD
BUSINESS**

None.

**NEW
BUSINESS/
PUBLIC COMMENT**

Sagami thought it would be better to have public comment instead of for/against comment.

Grieve said the Planning Board conducts their public hearing that way.

ADJOURNMENT

The meeting was adjourned at approximately 7:10 on a motion by Klempel seconded by Sagami. The next meeting will be held at 6:00 p.m. on September 4, 2007.

Scott Hollinger, Chairman

Kayla Kile, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED: 10/2/07